

# 2020 South Dakota Legislature

## House Bill 1057

### AMENDMENT 1057I FOR THE HOUSE STATE AFFAIRS BILL

1 **An Act to prohibit certain acts against children and provide a penalty therefor.**

2 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

3 **Section 1.** That a NEW SECTION be added:

4 **26-10-36. Definitions.**

5 Terms used in §§ 26-10-37 and 26-10-38 mean:

6 (1) "Medical professional," any physician, surgeon, physician assistant, clinical nurse  
7 specialist, or nurse practitioner licensed under title 36;

8 (2) "Minor," a person under the age of eighteen;

9 (3) "Sex," the biological state of being female or male, based on sex organs,  
10 chromosomes, and endogenous hormone profiles.

11 **Section 2.** That a NEW SECTION be added:

12 **26-10-37. Perception of minor's sex--Prohibited practices--Violation as a**  
13 **felony.**

14 Except as provided in § 26-10-38, a medical professional who engages in any of  
15 the following practices upon a minor ~~under the age of sixteen~~, for the purpose of  
16 attempting to change or affirm the minor's perception of the minor's sex, if that perception  
17 is inconsistent with the minor's sex, is guilty of a Class 1 misdemeanor:

18 (1) Performing the following surgeries: castration, vasectomy, hysterectomy,  
19 oophorectomy, metoidioplasty, orchiectomy, penectomy, phalloplasty, and  
20 vaginoplasty;

21 (2) Performing a mastectomy;

22 (3) Prescribing, dispensing, administering, or otherwise supplying the following  
23 medications:

24 (a) Puberty-blocking medication to stop normal puberty;

- 1           (b) Supraphysiologic doses of testosterone to females; or  
2           (c) Supraphysiologic doses of estrogen to males; or  
3           (4) Removing any otherwise healthy or nondiseased body part or tissue.

4   **Section 3.** That a NEW SECTION be added:

5           **26-10-38. Perception of minor's sex--Prohibited practices--Exceptions.**

6           Section 26-10-37 does not apply to the good faith medical decision of a parent or  
7           guardian of a minor born with a medically-verifiable genetic disorder of sex development,  
8           including:

- 9           (1) A minor with external biological sex characteristics that are irresolvably ambiguous,  
10           such as a minor born having 46, XX chromosomes with virilization, 46, XY  
11           chromosomes with undervirilization, or having both ovarian and testicular tissue;  
12           or  
13           (2) When a physician has otherwise diagnosed a disorder of sexual development, in  
14           which the physician has determined through genetic testing that the minor does  
15           not have the normal sex chromosome structure for a male or female.

16   **Section 4.** That this Act may be cited as the Vulnerable Child Protection Act.